

HOUSE BILL No. 1042

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-10.1-5-7; IC 33-19-7-4.

Synopsis: City courts and distribution of court fees. Makes city courts courts of record. Reduces from 20% to 15% the percentage of the collected fees the clerk of a city or town court distributes each month to the county auditor as the county share. Increases from 25% to 30% the percentage of the collected court fees the city or town fiscal officer retains as the city or town share.

Effective: July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1042

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-10.1-5-7, AS AMENDED BY P.L.196-1999,
2 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 7. (a) A city court is ~~not~~ a court of record.
4 (b) A town court is not a court of record.
5 (c) A person selected as judge of the following courts must be an
6 attorney in good standing under the requirements of the supreme court:
7 (1) Anderson city court.
8 (2) Avon town court.
9 (3) Brownsburg town court.
10 (4) Carmel city court.
11 (5) A city or town court located in Lake County.
12 (6) Muncie city court.
13 (7) Noblesville city court.
14 (8) Plainfield town court.
15 SECTION 2. IC 33-19-7-4, AS AMENDED BY P.L.1-2002,
16 SECTION 141, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The clerk of a city or town



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1 court shall semiannually distribute to the auditor of state as the state
2 share for deposit in the state general fund fifty-five percent (55%) of
3 the amount of fees collected under the following:

- 4 (1) IC 33-19-5-1(a) (criminal costs fees).
- 5 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 6 (3) IC 33-19-5-4(a) (civil costs fees).
- 7 (4) IC 33-19-5-5 (small claims costs fees).
- 8 (5) IC 33-19-6-16.2 (deferred prosecution fees).

9 (b) Once each month the city or town fiscal officer shall distribute
10 to the county auditor as the county share ~~twenty fifteen percent (20%)~~
11 **(15%)** of the amount of fees collected under the following:

- 12 (1) IC 33-19-5-1(a) (criminal costs fees).
- 13 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 14 (3) IC 33-19-5-4(a) (civil costs fees).
- 15 (4) IC 33-19-5-5 (small claims costs fees).
- 16 (5) IC 33-19-6-16.2 (deferred prosecution fees).

17 (c) The city or town fiscal officer shall retain ~~twenty-five~~ **thirty**
18 percent ~~(25%)~~ **(30%)** as the city or town share of the fees collected
19 under the following:

- 20 (1) IC 33-19-5-1(a) (criminal costs fees).
- 21 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 22 (3) IC 33-19-5-4(a) (civil costs fees).
- 23 (4) IC 33-19-5-5 (small claims costs fees).
- 24 (5) IC 33-19-6-16.2 (deferred prosecution fees).

25 (d) The clerk of a city or town court shall semiannually distribute to
26 the auditor of state for deposit in the state user fee fund established
27 under IC 33-19-9 the following:

- 28 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
29 interdiction, and corrections fees collected under
30 IC 33-19-5-1(b)(5).
- 31 (2) Twenty-five percent (25%) of the alcohol and drug
32 countermeasures fees collected under IC 33-19-5-1(b)(6),
33 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 34 (3) One hundred percent (100%) of the highway work zone fees
35 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 36 (4) One hundred percent (100%) of the safe schools fee collected
37 under IC 33-19-6-16.3.
- 38 (5) One hundred percent (100%) of the automated record keeping
39 fee (IC 33-19-6-19).

40 (e) The clerk of a city or town court shall monthly distribute to the
41 county auditor the following:

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,

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1 interdiction, and corrections fees collected under
2 IC 33-19-5-1(b)(5).

3 (2) Seventy-five percent (75%) of the alcohol and drug
4 countermeasures fees collected under IC 33-19-5-1(b)(6),
5 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

6 The county auditor shall deposit fees distributed by a clerk under this
7 subsection into the county drug free community fund established under
8 IC 5-2-11.

9 (f) The clerk of a city or town court shall distribute monthly to the
10 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
11 percent (100%) of the late payment fees collected under IC 33-19-6-20.
12 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
13 fees distributed by a clerk under this subsection in the city or town
14 general fund.

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